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**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

In re *Ex Parte* Application of

QUALCOMM INCORPORATED,

Applicant.

Application for an Order Pursuant to 28 U.S.C.  
§ 1782 Granting Leave to Conduct Discovery For  
Use in a Foreign Proceeding

) CASE NO.: 5:24-mc-80019 (EJD)

)  
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)  
) **STIPULATION AND ~~PROPOSED~~ ORDER**  
) **EXTENDING DEADLINE TO MOVE TO**  
) **QUASH, RESPOND TO, OR COMPLY**  
) **WITH SUBPOENA**

) Judge: Hon. Edward J. Davila

1 Pursuant to Local Civil Rules 6-2 and 7-12, applicant Qualcomm Incorporated (“Qualcomm”)  
2 and respondent Apple Inc. (“Apple”) hereby stipulate as follows:

3 WHEREAS, on December 7, 2023, the Consumers’ Association (“Which?”) commenced a  
4 miscellaneous proceeding captioned *In re Consumers’ Association*, No. 23-mc-80322 (N.D. Cal.) (the  
5 “Which? 1782 Proceeding”) seeking discovery pursuant to 28 U.S.C. § 1782 (“Section 1782”) from  
6 Apple, as well as Samsung Semiconductor, Inc. and Samsung Electronics America, Inc. (together,  
7 “Samsung”), in connection with a lawsuit (the “U.K. Action”) that Which? commenced against  
8 Qualcomm in 2021 before the Competition Appeal Tribunal of the United Kingdom, *see* Which? Dkt.  
9 No. 1;

10 WHEREAS, on January 24, 2024, the Court entered an *ex parte* order in the Which? 1782  
11 Proceeding authorizing Which? to serve subpoenas on Apple and Samsung, without prejudice to any  
12 argument that may be raised in a motion to quash, and requiring Apple and Samsung to file any such  
13 motion within 30 days of service or notice of the subpoenas and this Court’s January 24, 2024 order,  
14 *see* Which? Dkt. No. 21 at 7;

15 WHEREAS, on January 26, 2024, Qualcomm commenced the above-captioned miscellaneous  
16 proceeding (the “Qualcomm 1782 Proceeding” and, with the Which? 1782 Proceeding, the “1782  
17 Proceedings”), also seeking discovery pursuant to Section 1782 from Apple and Samsung in connection  
18 with the U.K. Action, *see* Qualcomm Dkt. No. 1;

19 WHEREAS, on January 30, 2024, Qualcomm filed a request to relate the 1782 Proceedings  
20 pursuant to Local Civil Rules 3-12 and 7-11, *see* Which? Dkt. No. 22 at 2-3, and the Court related the  
21 Proceedings on February 7, 2024, *see* Which? Dkt. No. 24; Qualcomm Dkt. No. 13;

22 WHEREAS, on February 9, 2024, this Court entered an *ex parte* order in the Qualcomm 1782  
23 Proceeding authorizing Qualcomm to serve subpoenas on Apple and Samsung, without prejudice to any  
24 argument that may be raised in a motion to quash, and requiring Apple and Samsung to file any such  
25 motion within 30 days of service or notice of the subpoena and this Court’s February 9, 2024 order, *see*  
26 Qualcomm Dkt. No. 14 at 6;

27 WHEREAS, on February 14, 2024, Apple filed motions in the Which? 1782 Proceeding seeking  
28 to consolidate the 1782 Proceedings pursuant to Rule 42(a) of the Federal Rules of Civil Procedure, *see*

1 Which? Dkt. No. 27, and to stay the deadline for Apple to respond to the subpoena that Which? delivered  
2 to Apple pursuant to this Court's order of January 24, 2024, *see* Which Dkt. No. 28;

3 WHEREAS, on February 15, 2024, Qualcomm served a subpoena and a copy of this Court's  
4 February 9, 2024 order on Apple, making March 18, 2024 the deadline for Apple to move to quash that  
5 subpoena;

6 WHEREAS, on February 16, 2024, this Court entered a stipulated order in each of the 1782  
7 Proceedings setting April 3, 2024 as the deadline for Samsung to move to quash the subpoenas that  
8 Which? and Qualcomm were authorized to serve on Samsung, *see* Which? Dkt. No. 30; Qualcomm Dkt.  
9 No. 18;

10 WHEREAS, on February 21, 2024, this Court entered an order in each of the 1782 Proceedings  
11 granting Apple's motion to stay the deadline for Apple to respond to the subpoena that Which? delivered  
12 to Apple, and ordering that Apple "need not move to quash, respond to or comply with" that subpoena  
13 "until April 3, 2024," *see* Which? Dkt. No. 32; Qualcomm Dkt. No. 20;

14 WHEREAS, Qualcomm does not oppose Apple's motion to consolidate the 1782 Proceedings,  
15 *see* Which? Dkt. No. 33;

16 WHEREAS, Qualcomm and Apple wish to extend Apple's March 18, 2024 deadline to move to  
17 quash Qualcomm's subpoena in order to continue exploring whether a compromise can be reached that  
18 would obviate the need for a motion to quash; and

19 WHEREAS, Qualcomm and Apple wish to set April 3, 2024 as the deadline for Apple to move  
20 to quash or respond to Qualcomm's subpoena in order to align all parties' motion-to-quash deadlines in  
21 the 1782 Proceedings and thereby allow an opportunity for efficient briefing of motions to quash.

22 NOW THEREFORE, APPLE AND QUALCOMM HEREBY STIPULATE, subject to the  
23 approval of this Court, that April 3, 2024 is the deadline for Apple to move to quash or respond to the  
24 subpoena that Qualcomm served on Apple in connection with the Qualcomm 1782 Proceeding.

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3 DATED: March 7, 2024

Respectfully submitted

4 /s/ James R. Sigel

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**~~PROPOSED~~ STIPULATED ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED that April 3, 2024 is the deadline for Apple to move to quash or respond to the subpoena that Qualcomm served on Apple in connection with the above-captioned miscellaneous proceeding, case number 5:24-mc-80019.

Date: March 15, 2024

  
HONORABLE EDWARD J. DAVILA  
UNITED STATES DISTRICT JUDGE